City of Seattle
Edward B. Murray, Mayor

Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 3017532

Applicant Name: Bradley Khouri for The Wallingford Development LLC

Address of Proposal: 121 12th Avenue East

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 4-story structure containing 51 residential units. No parking proposed. Existing structures to be demolished.

The following Master Use Permit components are required:

Design Review with Departures (Seattle Municipal Code 23.41)

Development Standard Departure to allow the façade length to exceed 65% of the lot line. (SMC 23.45.527.B.1)

Development Standard Departure to allow less than a 5' front setback. (SMC 23.45.518.A1)

Development Standard Departure to allow less than a 5' street side setback.. (SMC 23.45.518.A1)

Development Standard Departure to allow decks to project more than 4' into the street side setback.. (SMC 23.45.518.I)

Development Standard Departure to allow less than a 5' side setback. (SMC 23.45.518.J.1)

Development Standard Departure to allow more than a 150' wide façade. (SMC 23.45.527.A)

SEPA - Environmental Determination (Seattle Municipal Code Chapter 25.05)

DPD SEPA DETERMINATION:

Determination of Non-significance

☐ No mitigating conditions of approval are imposed.

☒ Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts

SITE & VICINITY

Site Zone: Lowrise Three (LR3)

Nearby Zones: North: LR3

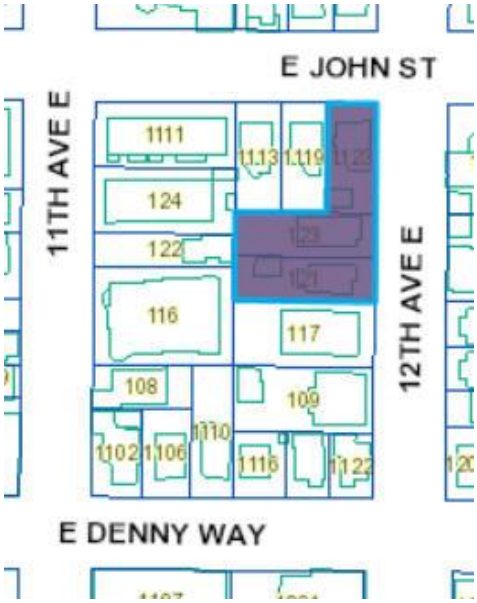
South: LR3

East: LR3

West: LR3

Lot Area: 14,649 sq. ft.

Current Development: Vacant



Surrounding Development and Neighborhood Character

The subject site is located on the southwest corner of E John Street and 12th Avenue E. The site consists of three lots, containing existing multifamily structures and an office commercial use. The site contains a steady slope from the northeast corner intersection to the southwest corner. In total the grade change is approximately 8 feet across the site. The site contains some mature trees and vegetation. 12th Avenue E is designated as a minor arterial street. The site is also located within the Capitol Hill Urban Center designation.

Vehicular and pedestrian access is available from E John Street and 12th Avenue E.

The neighborhood is characterized by small single family homes, low- and mid-rise apartment and condominium buildings, most of which date from the early to mid-twentieth century. Older buildings on 12th Avenue are typically 3-4 story brick structures, while later buildings tend to be wood frame or concrete structures, ranging from 3-4 stories. Recent developments are typically wood frame buildings, 3-4 stories in height. Most of these buildings occupy only one or two parcels, creating a fairly consistent scale of development throughout the neighborhood. Many of the existing buildings are set back from the street and from adjacent property lines, while others, particularly larger buildings, are built out to their property lines. Brick is the most common cladding material, particularly in older buildings, while later buildings are clad in a variety of materials including wood, brick and concrete masonry.

The area is well served by transit and is beginning to be developed with higher density multi-family residential structures. A light rail station, scheduled to open in early 2016, is located two blocks from the subject lot.

Public Comments

The public comment period ended on December 17, 2014. In addition to the comments received through the Design Review process, other comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These other areas of public comment related to parking, traffic, shadows, and public safety. Comments were also received that are beyond the scope of this review and analysis per SMC 25.05.

I. ANALYSIS - DESIGN REVIEW

EARLY DESIGN GUIDANCE MEETING: August 13, 2014
PUBLIC COMMENT

Multiple members of the public attended this Early Design Review meeting. The following comments, issues and concerns were raised:

- Noted that there is an exceptional amount of water under the site and warned that basement units would likely flood.
- Would like to see a larger setback provided to the south. Expressed concern about increased mold growth in small setbacks between buildings.
- Preferred current location for solid waste and recycling storage near the corner versus an alternative location to the south.
- Preferred Massing Alternative Two that breaks the building into two separate masses.
- Expressed concern for potential noise, privacy and light and glare impacts form the courtyard toward adjacent residential structures.
- Building should provide a sensitive transition from the adjacent single family homes.
- Would like to see more articulation and transparency in the massing, particularly along the long 12th Avenue E façade.
- Noted courtyard is critical to the design. Felt courtyard should be large enough to provide large scale greenery.
- Concerned regarding loss of substantial existing tree canopy.
- More space should be provided for the solid waste and recycling storage spaces.
- Materials should reference the existing historic Capitol Hill neighborhood context, including wood and brick.
- Concerned building will create an urban canyon.
- Expressed concern that the rooftop terrace will create the appearance of a fifth story given the additional massing created by the stair and elevator overrun.
- The design option pushes massing out toward all the adjacent properties; would like to see an additional setback to the south.

FINAL RECOMMENDATION MEETING: MAY 6, 2015

The packet includes materials presented at the Recommendation meeting, and is available online by entering the project number at this website:
http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp

or contacting the Public Resource Center at DPD:

Address: **Public Resource Center**
700 Fifth Ave., Suite 2000
Seattle, WA 98124
Email: PRC@seattle.gov

DESIGN DEVELOPMENT

The applicant described the design concept of the proposed development, which included two masses separated by an interior courtyard and exterior walkways at each level. The applicant noted that most of the walkways are covered, and the walkways face the courtyard, with the intent of activating the courtyard. Since the EDG meeting, the proposed design has been further developed to incorporate modulation and articulation along the east façade, emphasis on the corner, and balconies to activate the street frontage.

In response to Early Design Guidance and DPD direction, the applicant presented a modified design at the Recommendation meeting, including additional brick at the corner and along the 12th Avenue (east) façade, with blue accents in the window bays. The applicant also presented the design that was shown in the packets mailed to the Board, which included brick at the upper level on the corner, and blue Ceraclad at the lower levels.

The applicant clarified that the solid waste would be stored in a small structure near the northwest corner of the site, set back from the sidewalk. A painted black wood slat screen was shown covering the exterior walkways for all four floors of the building near the solid waste enclosure, with the intent of providing privacy to the adjacent residential building to the west (currently under construction). The applicant noted that the wood slats would function as a fence between the walkway and the solid waste enclosure, preventing pedestrians from accessing the site through the north property line.

To address privacy concerns for the residential building to the west (currently under construction), the proposed development's floor levels are intentionally misaligned with the floor levels of the adjacent building, which will interrupt direct sight lines. The painted black wood screen separating the exterior walkways from the west property line will also help to interrupt sight lines and minimize privacy impacts to the adjacent residents.

In addition to brick, Ceraclad, and cementitious panels, wood was used in the interior courtyard to create a sense of warmth and distinguish the entry sequence. Metal balconies and rails were shown, with yellow soffits on the east façade balconies to provide visual interest.

Landscaping at the street level was shown with planted areas adjacent to the building rather than a planting strip separating sidewalk from curb. The Landscape Architect clarified that the grouped landscaping allows larger groups of trees and variation of landscaping, rather than the linear planter and planting strip with minimal layering. The intent of the landscape plan is to soften the edge, provide privacy for ground level units, and provide a variety of landscaping.

Tall narrow trees were shown at the west property line between the development and the adjacent residences to the west. A rooftop terrace was shown near the center of the 12th Ave façade, with additional plantings in the courtyard and at the west edge. A green wall was shown at the interior courtyard, and the Landscape Architect noted that the intent is to use vigorous vines, sufficient irrigation, and possibly soil pockets on the wall to encourage vine growth. Below grade units are mostly at the courtyard, with two at the street frontage. Tall ceiling height and layered landscaping to the sidewalk provide both light and privacy.

In response to conversations with the neighbors who raised concerns of shadowing, the applicant showed shadow studies. The shadow studies showed little to no impact to adjacent properties due to the site location on the northeast corner of the block.

PUBLIC COMMENTS

Several members of the public were in attendance at the Final Recommendation Meeting held on May 6, 2015. The following comments, issues and concerns were raised:

- The removal of trees and yard will have an impact on habitat for birds and animals.
- Concerned about shadows on the proposed walkways and courtyard.
- Concerned with the transition to lower nearby buildings.
- Would rather see a fence at the west property line for privacy, along with trees that provide habitat for birds.
- Would like to see the fence preserved at the south property line.
- The catwalk to the roof deck adds to the appearance of building height.
- Concerned that the building is out of scale with adjacent development and will block sunlight to nearby properties.

PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance.

EARLY DESIGN GUIDANCE: August 13, 2014

1. **Massing and Building Location.** The Board was particularly concerned with the lack of variation in the three design options. After considerable discussion, four of the six Design Review Board members gave guidance to develop massing alternative three and

proceed to MUP application. The Board felt the preferred massing alternative three provided a better design response to context by locating courtyard as a centerpiece of the design. The Board noted that significant efforts will be necessary to resolve street façade articulation and massing.

a) The Board directed the applicant to use modulation and articulation at the 12th Avenue E facade to reduce the perceived façade length and create a more pleasing proportion to the overall building (CS2-C2).
b) The Board reviewed cumulative setback provided along the south property line, which measured between 14-16 feet, and recommended that it was sufficient (CS2-D5).
c) The Board noted the facades facing adjacent residential structures should be designed to minimize disrupting the privacy of residents in adjacent buildings (CS2-D5).

2. **Corner Treatment.** The Board directed that the prominent location on the corner of two major streets necessitated an architectural response at the corner.
    a) The Board felt that the treatment and articulation of the corner should inform the overall façade articulation and proportion on 12th Avenue E (CS2-C1).
    b) The Board was particularly concerned about the location of the electrical vault and solid waste storage space along the narrow E John Street facade. The Board directed the applicant to work with Seattle Public Utilities and Seattle City Light to identify an appropriate location for services. The location should be chosen to be sensitive to adjacent sites (DC1-C2 and C4).
    c) Once a location is determined for solid waste, the street level façade must be designed along the sidewalk to minimize visual and odor impacts (DC1-C2 and C4).

3. Courtyard. The Board stated that the provided courtyard was consistent with the Capitol Hill vernacular. The Board noted that Design Alternative three provided the best design response to the context by minimizing impacts to adjacent residential structures.

d) The Board directed that the courtyard space be expressed visibly along the street façade. At the Recommendation Meeting the applicant should demonstrate how the courtyard is read from the adjacent 12th Avenue right-of-way (DC3-Iii, CS2-B2).
e) The bicycle entry and storage space should be resolved within the overall flow of the building (PL4-B2).
f) The Board expressed concern about the viability and privacy of below grade units facing the street and the common entrance walkway. The Board directed the applicant to design these spaces with a comfortable transition between the unit and public area, incorporating design techniques used in Crime Prevention through Environmental Design (PL3-B).
g) The landscape plan should maximize tree canopy with the courtyard and setback spaces (DC3-Iii).

4. **Materials**
    a) The Board encouraged use of durable, quality materials, respectful of the existing materiality context of the established Capitol Hill neighborhood (CS3-A1 and A4, CS3-I-iv, DC4-II).

FINAL RECOMMENDATIONS: MAY 6, 2015

1. **Height Bulk and Scale.** The Board approved of the overall design response to the Early Design Guidance and design strategies to transition the building's height, bulk, and scale to nearby context.
    a. The Board clarified that the proposed combination of modulation, articulation, and detail successfully reduced the visual length of the building. (CS2-C, CS2-D, CS2-III)
    b. The Board observed that the proposed four story height is responsive to the newer nearby context. While some adjacent buildings may be lower in height, the proposed massing and materials also consider and provide a transition to that scale. (CS2-D, CS2-III, DC4-A)
    c. The Board discussed the shadow studies and noted that the adjacent structures to the south will have very minimal shadow impacts. (CS1-B)

2. **Design Concept and Materials.** The Board discussed the two alternate designs (one with a brick base at the corner and east facade, and one with a Ceraclad base at the corner and east façade). The Board was divided in their opinion about which design better met the Design Guidelines. The Board approved of further development of either design concept and material application, with the following parameters:
    a. The Board noted that the use of brick at the corner in the revised design is a positive response to the nearby context. (CS3-A, CS3-I, DC4-A, DC4-I, DC4-II)
    b. The use of the dark blue color Ceraclad creates a lively façade. The final design should incorporate this material, or a comparable material that adds color to the design concept. (DC2-B, DC4-A)

3. **Safety and Security.** The Board acknowledged the unusual configuration of interior property lines, and the need for security.
    a. The Board encouraged the applicant to explore additional lighting on the interior north property line and the far west property line. Light fixtures should be landscape level lighting or other low light fixtures that will avoid spillage to adjacent properties. The Board encouraged the applicant to further develop the lighting plan with this direction, but declined to recommend a condition. (PL3-B, DC4-C)
    b. Board also encouraged the applicant to work with the adjacent building under construction, to determine how to best address safety concerns near the interior property lines at the west property line. Common fences or other means of achieving security may be incorporated at these edges. The Board advised the applicant to work toward this goal, but declined to recommend a condition. (PL3-B)

c. The Board discussed a possible gate at the courtyard entry from 12th Ave. The Board noted that the addition of a gate would not enhance the pedestrian street level experience, and the entry and courtyard are designed for passive surveillance and sense of ownership. (CS2-B, PL1-A, PL2-B, PL3-A)

4. **Landscaping.** The Board approved of the proposed layered street level landscaping, which will create year round visual interest. (DC4-D)
   a. The Board was slightly concerned with the proposed green wall and viability of the proposed vines, but approved of the Landscape Architect's plan for maintenance. (DC4)

The Board identified the Citywide Design Guidelines & Neighborhood specific guidelines (as applicable) of highest priority for this project.

The Neighborhood specific guidelines are summarized below. For the full text please visit the Design Review website.

CONTEXT & SITE

CS1 Natural Systems and Site Features: Use natural systems/features of the site and its surroundings as a starting point for project design.

CS1-B Sunlight and Natural Ventilation

CS1-B-1. Sun and Wind: Take advantage of solar exposure and natural ventilation. Use local wind patterns and solar gain to reduce the need for mechanical ventilation and heating where possible.

CS1-B-2. Daylight and Shading: Maximize daylight for interior and exterior spaces and minimize shading on adjacent sites through the placement and/or design of structures on site.

CS2 Urban Pattern and Form: Strengthen the most desirable forms, characteristics, and patterns of the streets, block faces, and open spaces in the surrounding area.

CS2-A Location in the City and Neighborhood

CS2-A-1. Sense of Place: Emphasize attributes that give a distinctive sense of place. Design the building and open spaces to enhance areas where a strong identity already exists, and create a sense of place where the physical context is less established.

CS2-A-2. Architectural Presence: Evaluate the degree of visibility or architectural presence that is appropriate or desired given the context, and design accordingly.

CS2-B Adjacent Sites, Streets, and Open Spaces

CS2-B-1. Site Characteristics: Allow characteristics of sites to inform the design, especially where the street grid and topography create unusually shaped lots that can add distinction to the building massing.

CS2-B-2. Connection to the Street: Identify opportunities for the project to make a strong connection to the street and public realm.

CS2-B-3. Character of Open Space: Contribute to the character and proportion of surrounding open spaces.

CS2-C Relationship to the Block

CS2-C-1. Corner Sites: Corner sites can serve as gateways or focal points; both require careful detailing at the first three floors due to their high visibility from two or more streets and long distances.

CS2-C-2. Mid-Block Sites: Look to the uses and scales of adjacent buildings for clues about how to design a mid-block building. Continue a strong street-edge and respond to datum lines of adjacent buildings at the first three floors.

CS2-D Height, Bulk, and Scale

CS2-D-1. Existing Development and Zoning: Review the height, bulk, and scale of neighboring buildings as well as the scale of development anticipated by zoning for the area to determine an appropriate complement and/or transition.

CS2-D-2. Existing Site Features: Use changes in topography, site shape, and vegetation or structures to help make a successful fit with adjacent properties.

CS2-D-3. Zone Transitions: For projects located at the edge of different zones, provide an appropriate transition or complement to the adjacent zone(s). Projects should create a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zone and the proposed development.

CS2-D-4. Massing Choices: Strive for a successful transition between zones where a project abuts a less intense zone.

CS2-D-5. Respect for Adjacent Sites: Respect adjacent properties with design and site planning to minimize disrupting the privacy of residents in adjacent buildings.

CS2-III Height, Bulk, and Scale Compatibility

CS2-III-i. Building Mass: Break up building mass by incorporating different façade treatments to give the impression of multiple, small-scale buildings, in keeping with the established development pattern.

CS3 Architectural Context and Character: Contribute to the architectural character of the neighborhood.

CS3-A Emphasizing Positive Neighborhood Attributes

CS3-A-1. Fitting Old and New Together: Create compatibility between new projects, and existing architectural context, including historic and modern designs, through building articulation, scale and proportion, roof forms, detailing, fenestration, and/or the use of complementary materials.

CS3-A-2. Contemporary Design: Explore how contemporary designs can contribute to the development of attractive new forms and architectural styles; as expressed through use of new materials or other means.

CS3-A-3. Established Neighborhoods: In existing neighborhoods with a well-defined architectural character, site and design new structures to complement or be compatible with the architectural style and siting patterns of neighborhood buildings.

CS3-A-4. Evolving Neighborhoods: In neighborhoods where architectural character is evolving or otherwise in transition, explore ways for new development to establish a positive and desirable context for others to build upon in the future.

Capitol Hill Supplemental Guidance:

CS3-I Architectural Concept and Consistency

CS3-I-iv. Materials: Use materials and design that are compatible with the structures in the vicinity if those represent the neighborhood character.

PUBLIC LIFE

PL2 Walkability: Create a safe and comfortable walking environment that is easy to navigate and well-connected to existing pedestrian walkways and features.

Capitol Hill Supplemental Guidance:

PL2-I Human Scale

PL2-I-i. Building Entries: Incorporate building entry treatments that are arched or framed in a manner that welcomes people and protects them from the elements and emphasizes the building's architecture.

PL2-I-ii. Pedestrian Character: Improve and support pedestrian-orientation by using components such as: non-reflective storefront windows and transoms; pedestrian scaled awnings; architectural detailing on the first floor; and detailing at the roof line.

PL2-II Pedestrian Open Spaces and Entrances

PL2-II-i. Entryways: Provide entryways that link the building to the surrounding landscape.

PL2-II-ii. Link Open Spaces: Create open spaces at street level that link to the open space of the sidewalk.

PL2-II-iv. Residential Entrances: Minimize the number of residential entrances on commercial streets where non-residential uses are required. Where unavoidable, minimize their impact to the vitality of the retail commercial streetscape.

PL3 Street-Level Interaction: Encourage human interaction and activity at the street-level with clear connections to building entries and edges.

PL3-B Residential Edges

PL3-B-1. Security and Privacy: Provide security and privacy for residential buildings through the use of a buffer or semi-private space between the development and the street or neighboring buildings.

PL3-B-2. Ground-level Residential: Privacy and security issues are particularly important in buildings with ground-level housing, both at entries and where windows are located overlooking the street.

DESIGN CONCEPT

DC1 Project Uses and Activities: Optimize the arrangement of uses and activities on site.

DC1-C Parking and Service Uses

DC1-C-2. Visual Impacts: Reduce the visual impacts of parking lots, parking structures, entrances, and related signs and equipment as much as possible.

DC1-C-4. Service Uses: Locate and design service entries, loading docks, and trash receptacles away from pedestrian areas or to a less visible portion of the site to reduce possible impacts of these facilities on building aesthetics and pedestrian circulation.

Capitol Hill Supplemental Guidance:

DC1-II Screening of Dumpsters, Utilities, and Service Areas

DC1-II-i. Dumpsters: Consolidate and screen dumpsters to preserve and enhance the pedestrian environment.

DC2 Architectural Concept: Develop an architectural concept that will result in a unified and functional design that fits well on the site and within its surroundings.

DC2-A Massing

DC2-A-2. Reducing Perceived Mass: Use secondary architectural elements to reduce the perceived mass of larger projects.

DC2-B Architectural and Facade Composition

DC2-B-1. Façade Composition: Design all building facades—including alleys and visible roofs— considering the composition and architectural expression of the building as a whole. Ensure that all facades are attractive and well-proportioned.

DC2-B-2. Blank Walls: Avoid large blank walls along visible façades wherever possible. Where expanses of blank walls, retaining walls, or garage facades are unavoidable, include uses or design treatments at the street level that have human scale and are designed for pedestrians.

DC2-C Secondary Architectural Features

DC2-C-1. Visual Depth and Interest: Add depth to facades where appropriate by incorporating balconies, canopies, awnings, decks, or other secondary elements into the façade design. Add detailing at the street level in order to create interest for the pedestrian and encourage active street life and window shopping (in retail areas).

DC2-C-2. Dual Purpose Elements: Consider architectural features that can be dual purpose— adding depth, texture, and scale as well as serving other project functions.

DC2-C-3. Fit With Neighboring Buildings: Use design elements to achieve a successful fit between a building and its neighbors.

DC2-D Scale and Texture

DC2-D-1. Human Scale: Incorporate architectural features, elements, and details that are of human scale into the building facades, entries, retaining walls, courtyards, and exterior spaces in a manner that is consistent with the overall architectural concept

DC2-D-2. Texture: Design the character of the building, as expressed in the form, scale, and materials, to strive for a fine-grained scale, or "texture," particularly at the street level and other areas where pedestrians predominate.

DC3 Open Space Concept: Integrate open space design with the building design so that they complement each other.

DC3-A Building-Open Space Relationship

DC3-A-1. Interior/Exterior Fit: Develop an open space concept in conjunction with the architectural concept to ensure that interior and exterior spaces relate well to each other and support the functions of the development.

Capitol Hill Supplemental Guidance:

DC3-I Residential Open Space

DC3-I-ii. Courtyards: Create substantial courtyard-style open space that is visually accessible to the public view.

DC4 Exterior Elements and Finishes: Use appropriate and high quality elements and finishes for the building and its open spaces.

DC4-A Exterior Elements and Finishes

DC4-A-1. Exterior Finish Materials: Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

DC4-C Lighting

DC4-C-2. Avoiding Glare: Design project lighting based upon the uses on and off site, taking care to provide illumination to serve building needs while avoiding off-site night glare and light pollution.

Capitol Hill Supplemental Guidance:

DC4-I Height, Bulk, and Scale

DC4-I-i. Materials: Masonry and terra cotta are preferred building materials, although other materials may be used in ways that are compatible with these more traditional materials. The Broadway Market is an example of a development that blends well with its surroundings and includes a mixture of materials, including masonry.

DC4-II Exterior Finish Materials

DC4-II-i. Building exteriors: Should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern or lend themselves to a high quality of detailing are encouraged.

1. Use wood shingles or board and batten siding on residential structures.
2. Avoid wood or metal siding materials on commercial structures.
3. Provide operable windows, especially on storefronts.
4. Use materials that are consistent with the existing or intended neighborhood character, including brick, cast stone, architectural stone, terracotta details, and concrete that incorporates texture and color.
5. Consider each building as a high-quality, long-term addition to the neighborhood; exterior design and materials should exhibit permanence and quality appropriate to the Capitol Hill neighborhood.
6. The use of applied foam ornamentation and EIFS (Exterior Insulation & Finish System) is discouraged, especially on ground level locations.

DEVELOPMENT STANDARD DEPARTURES

The Board's recommendation was based upon the departures' potential to help the project better meet these design guideline priorities and achieve a better overall design than could be achieved without the departures.

1. **Façade Length (SMC 23.45.527.B.1):** The code allows a maximum lot length of 65% of the lot line (maximum of 54'7-1/4" for this proposal). The applicant proposes a 69.5% façade length along the north interior property line (58'4-7/8").

This departure would provide an overall design that would better meet the intent of Design Review Guidelines CS2-D, DC2-A and DC3-I by incorporating a courtyard and modulation to reduce the visual length of the building, and providing a design that is responsive to the oddly configured lot, consistent with the Board's Early Design Guidance for this proposal.

The Board unanimously recommended that DPD grant the departure.

2. **Front Setback (SMC 23.45.518.A):** The Code requires a 5' minimum setback from the front property line. The applicant proposes a 0' setback from the new dedicated front (east) property line.

   This departure would provide an overall design that would better meet the intent of Design Review Guidelines DC2-A and DC3-I by incorporating a courtyard and modulation to reduce the visual length of the building, consistent with the Board's Early Design Guidance for this proposal. The Board also noted that the combination of dedication and landscaping in the public right of way will achieve the same separation as a Code required setback from the current property line.

   The Board unanimously recommended that DPD grant the departure.

3. **Street Side Setback (SMC 23.45.518.A):** The Code requires a 5' minimum setback from the front property line. The applicant proposes a 4' setback from the E. John St (north) property line.

   This departure would provide an overall design that would better meet the intent of Design Review Guidelines CS2-A, DC2-B, and DC2-C by consistently applying the design concept on both street frontages.

   The Board unanimously recommended that DPD grant the departure.

4. **Street Side Setback (Projections) (SMC 23.45.518.I):** The Code allows decks and balconies to project a maximum of 4' into required setbacks, and are separated by a width of at least half the depth of the projection, as well as other requirements. The applicant proposes that the decks will project to within 9" of the north street side property line, which would project a total of 4'3" into the required street side setback.

   This departure would provide an overall design that would better meet the intent of Design Review Guidelines CS2-A, DC2-B, and DC2-C by consistently applying the design concept on both street frontages and by activating the street frontages, consistent with the Board's Early Design Guidance.

   The Board unanimously recommended that DPD grant the departure.

5. **Side Setback (SMC 23.45.518.J.1):** The Code requires a minimum setback of 5' from side property lines and 3' from principal structures. The applicant proposes a 0' setback from the side property line and the principal structure, to allow the solid waste enclosed structure near the northwest corner of the site.

This departure would provide an overall design that would better meet the intent of Design Review Guidelines DC1-C and DC1-II by providing a solid waste enclosure with screening at the sides and from above, consistent with the Board's Early Design Guidance.

The Board unanimously recommended that DPD grant the departure.

6. **Façade Width (SMC 23.45.527.A):** The Code allows a maximum façade width of 150'. The applicant proposes a 174'3-3/4" facade width along the east property line.

   This departure would provide an overall design that would better meet the intent of Design Review Guidelines CS2-D, DC2-A, and DC3-III by providing a courtyard, separation between buildings to reduce the visual length of the façade, and substantial modulation, consistent with the Board's Early Design Guidance.

   The Board unanimously recommended that DPD grant the departure.

RECOMMENDATION

The recommendation summarized above was based on the design review packet dated May 6, 2015, and the materials shown and verbally described by the applicant at the May 6, 2015 Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, the five Design Review Board members recommended APPROVAL of the subject design with no conditions.

ANALYSIS & DECISION – DESIGN REVIEW

Director's Analysis

The design review process prescribed in Section 23.41.014.F of the Seattle Municipal Code describing the content of the DPD Director's decision reads in part as follows:

The Director's decision shall consider the recommendation of the Design Review Board, provided that, if four (4) members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision which incorporates the full substance of the recommendation of the Design Review Board, unless the Director concludes the Design Review Board:

a. Reflects inconsistent application of the design review guidelines; or
b. Exceeds the authority of the Design Review Board; or
c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or
d. Conflicts with the requirements of state or federal law.

Subject to the following conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines.

At the conclusion of the Recommendation meeting held on May 6, 2015, the Board recommended approval of the project with no conditions.

Five members of the East Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines which are critical to the project's overall success. The Director must provide additional analysis of the Board's recommendations and then accept, deny or revise the Board's recommendations (SMC 23.41.014.F3).

The Director agrees with the Design Review Board's conclusion that the proposed project design results in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board.

Director's Decision

The Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design and the requested departure with the conditions summarized at the end of this Decision.

II. ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated November 12, 2014. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision. The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans, including site survey, and any additional information in the file. As indicated in the checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *"Where City regulations have been adopted to address environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Codes and development regulation applicable to this proposed project will provide sufficient mitigation from short and/or long term impacts. Applicable codes may include the Stormwater Code (SMC22.800-808), the Grading Code (SMC22.170), the Street Use Ordinance (SMC Title 15), the Building Code, and Noise Control Ordinance (SMC 25.08)

Short Term Impacts

The following temporary or construction-related impacts are expected: temporary soil erosion; decreased air quality due to increased dust and other suspended air particulates during excavation, filling and transport of materials to and from the site; increased noise and vibration from construction operations and equipment; increased traffic and parking demand from construction personnel traveling to and from the work site; consumption of renewable and non-renewable resources; disruption of utilities serving the area; and conflict with normal pedestrian movement adjacent to the site. Compliance with applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment.

Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

No further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

Construction Traffic

Increased trip generation is expected during the proposed demolition, grading, and construction activity. The immediate area is subject to significant traffic congestion during peak travel times on nearby arterials. Large trucks turning onto arterial streets would be expected to further exacerbate the flow of traffic.

The area includes limited and timed or metered on-street parking. Additional parking demand from construction vehicles would be expected to further exacerbate the supply of on-street parking. It is the City's policy to minimize temporary adverse impacts associated with construction activities.

Pursuant to SMC 25.05.675.B (Construction Impacts Policy), additional mitigation is warranted and a Construction Management Plan is required, which will be reviewed by Seattle Department of Transportation and DPD. The requirements for a Construction Management Plan include a Haul Route and a Construction Parking Plan. The submittal information for a Construction Management Plan and review process for Construction Management Plans is described here: http://www.seattle.gov/transportation/cmp.htm.

Long Term Impacts

Long term or use-related impacts are also anticipated as a result of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased

bulk and scale on the site; obstruction of private views, increased traffic in the area and increased demand for parking; increased demand for public services and utilities; loss of plant and animal habitat; and increased light and glare. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project. No further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

Height, Bulk, and Scale

The proposal has gone through the design review process described in SMC 23.41. Design review considers mitigation for height, bulk and scale through modulation, articulation, landscaping, and façade treatment.

Section 25.05.675.G.2.c of the Seattle SEPA Ordinance provides the following: "The Citywide Design Guidelines (and any Council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk, and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk, and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone Design Review shall comply with design guidelines applicable to the project." The height, bulk and scale of the proposed development and relationship to nearby context have been addressed during the Design Review process for any new project proposed on the site. Additional mitigation is not warranted under SEPA.

Parking

The proposed development includes 51 residential units with no off-street vehicular parking spaces. The parking utilization study (William Popp Associates, dated March 13, 2015) indicates a peak demand for approximately 21 vehicles from the proposed development. The study notes that the existing on-street parking utilization rate is approximately 97% within 800' of the site. The proposal would result in a theoretical on-street parking utilization to 101% of the parking supply, and the total cumulative parking demand with other projects in the vicinity would result in a theoretical utilization of 115%.

SMC 25.05.675.M notes that there is no SEPA authority provided for mitigation of residential parking impacts in the Capitol Hill Urban Center. This site is located in that Urban Center, and the project is mostly residential with some commercial. Regardless of the parking demand impacts from residential uses, no SEPA authority is provided to mitigate impacts of parking demand of this residential project.

Traffic

The Traffic Impact Analysis (William Popp Associates, dated November 12, 2014) indicated that the project is expected to generate a net total of 144 daily vehicle trips, with 13 net new PM Peak Hour trips. The DPD Transportation Planner reviewed the information and determined that while these impacts are adverse, they are not expected to be significant; therefore, no further mitigation is warranted.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

[**X**] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2C.

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2C.

CONDITIONS – Design Review

Prior to Building Final

1. The Land Use Planner shall inspect materials, colors, and design of the constructed project. All items shall be constructed and finished as shown at the design recommendation meeting and the subsequently updated Master Use Plan set. Any change to the proposed design, materials, or colors shall require prior approval by the Land Use Planner (Shelley Bolser (206) 733-9067 or shelley.bolser@seattle.gov).

2. The applicant shall provide a landscape certificate from Director's Rule 10-2011, indicating that all vegetation has been installed per approved landscape plans. Any change to the landscape plans approved with this Master Use Permit shall be approved by the Land Use Planner (Shelley Bolser (206) 733-9067 or shelley.bolser@seattle.gov).

For the Life of the Project

3. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation meeting and in the materials submitted after the Recommendation meeting, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner (Shelley Bolser (206) 733-9067 or shelley.bolser@seattle.gov).

CONDITIONS - SEPA

Prior to Issuance of a Demolition, Grading, or Building Permit

4. A Construction Management Plan is required. Submittal requirements and review process described here: http://www.seattle.gov/transportation/cmp.htm

Signature: *Betty Galarosa for* Date: September 8, 2015
Shelley Bolser, AICP, LEED AP
Land Use Planning Supervisor
Department of Planning and Development

SB:bg

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered "approved for issuance". (If your decision is appealed, your permit will be considered "approved for issuance" on the fourth day following the City Hearing Examiner's decision.) Projects requiring a Council land use action shall be considered "approved for issuance" following the Council's decision.

The "approved for issuance" date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.